

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANITIA MORRIS, Individually and on  
Behalf of the Estate of David Morris, as  
personal representative,

**8:20CV534**

Plaintiff,

v.

3D TRANSPORTATION, INC. and  
MICHAEL SEGELKE,

**ORDER**

Defendants.

This matter is before the Court on the Findings and Recommendation (Filing No. 22) entered on August 20, 2021, by the magistrate judge<sup>1</sup> assigned to this case. Recounting the lack of activity in this case since plaintiff Anitia Morris's ("Morris") counsel was granted leave to withdraw on June 14, 2021, the magistrate judge recommends the "case be dismissed without prejudice for failure to prosecute and failure to comply with this court's orders," including an order to show cause that Morris ostensibly ignored.

The Court has not received any objections to the Findings and Recommendation, and the deadline to object has passed. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2); NECivR 72.2. In light of Morris's failure to prosecute her case and comply with this Court's orders as documented by the magistrate judge, the Court finds nonprejudicial dismissal is warranted. *See Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962) ("The authority of a court to dismiss *sua sponte* for lack of prosecution has generally been considered an 'inherent power,' governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and

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<sup>1</sup>The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.

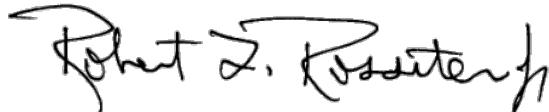
expeditious disposition of cases.”); *accord* Fed. R. Civ. P. 41(b) (providing for involuntary dismissal if the plaintiff fails to prosecute or follow a court order). Accordingly,

IT IS ORDERED:

1. The Findings and Recommendation (Filing No. 22) is accepted. Any objections are deemed waived.
2. This case is dismissed without prejudice.
3. A separate judgment will issue.
4. The Clerk of Court shall mail a copy of this Order and the Judgment to Morris at both of the addresses listed in the Findings and Recommendation.

Dated this 7th day of September 2021.

BY THE COURT:



Robert F. Rossiter, Jr.  
Chief United States District Judge